

ORDINANCE NO. **Late Backup**

#60

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4367 SOUTH CONGRESS AVENUE IN THE EAST CONGRESS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT AND MULTIFAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-6-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT AND MULTIFAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-6-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-2007-0234, on file at the Neighborhood Planning and Zoning Department, as follows:

From general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district for an area measured from ground level to a height of 15 feet; and

From multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district to multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district for an area measured from 15 feet above ground level to a height of 90 feet.

Lot 1, St. Elmo-Tel Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 56, Page 12, of the Plat Records of Travis County, Texas, and Lot 1, Block A, Chen Resubdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 2000400167, of the Official Public Records of Travis County, Texas, and,

A 0.896 acre tract of land, more or less, out of Lot 2, St. Elmo-Tel Addition, in Travis County, the tract of land being more particularly described by

metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4367 South Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use combining district, and other applicable requirements of the City Code

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The maximum impervious cover on the Property is 90 percent.
- C. The maximum number of parking spaces is 25 spaces in a surface parking facility.
- D. The following uses are prohibited uses of the general commercial services (CS) zoned Property:

Automotive repair services
Automotive sales
Adult-oriented businesses
Convenience storage
Vehicle storage

Automotive rentals
Automotive washing (of any type)
Bail bond services
Pawn shop services

PART 4. The Property is subject to Ordinance No. 20050818-Z004 that established the East Congress neighborhood plan combining district.

1 **PART 5.** This ordinance takes effect on _____, 2008.

2
3
4 **PASSED AND APPROVED**

5
6 §
7 §
8 _____, 2008 § _____
9 Will Wynn
10 Mayor

11
12
13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A. Gentry
15 City Attorney City Clerk

AUSTIN SURVEYORS

P.O. BOX 180243
AUSTIN, TEXAS 78718

2185 JUSTIN LANE #103
(512) 454-6605

Accompaniment to plat 1500-1P

FIELD NOTES FOR 0.896 ACRES OF LAND

All that certain tract or parcel of land situated in the Isaac Decker League in Travis County, Texas and being part of Lot 2 of the St. Elmo - Tel Addition to the City of Austin recorded in Book 56, Page 12 of the Plat Records of Travis County and also being that same 0.90 acre tract described in a deed to the Calbow Living Trust recorded in Doc. 2005224032 of the Real Property Records of Travis County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a PK nail found in pavement on the East line of South Congress Avenue, in the Southwest corner of the above mentioned said Calbow tract and the Northwest corner of the Chen Resubdivision as recorded in Doc. 200400167 of the above mentioned Real Property Records, for the Southwest corner of this tract.

THENCE N 30°00'47" E with the East line of South Congress Avenue 22.08 feet to a capped iron pin set in the Southwest corner of a 1.156 acre tract conveyed to Congress Access, Ltd. by deed recorded in Vol. 13257. Pg. 1252 of the Deed Records of Travis County, Texas for the Northwest corner of said Calbow tract and the Northwest corner of this tract.

THENCE S 60°03'16" E 356.84 feet to a capped iron pin marked "CMN" found on the West line of the Lone Star Subdivision as recorded in Book 56, Page 60 of said Plat Records for the Southeast corner of said Congress Access, Ltd. tract, the Northeast corner of said Calbow tract, and the Northeast corner of this tract.

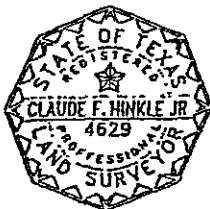
THENCE S 26°38'56" W with the West line of the above mentioned Lone Star Subdivision 205.10 feet to a capped iron pin set in the Northeast corner of Lot 1 of the St. Elmo-Tel Addition for the Southeast corner of said Calbow tract and the Southeast corner of this tract

THENCE N 60°18'06" W with the North line of the above mentioned St. Elmo-Tel Addition 170.39 feet to an iron found pin found in an ell corner of said Calbow tract and the Southeast corner of said Chen Resubdivision for an ell corner of this tract.

THENCE with the West line of said Calbow tract for the following two (2) courses:
1) N 26°37'33" E 174.57 feet to a PK nail found in pavement at the beginning of a curve to the left, said curve having a radius of 10.00 feet and a delta angle of 86°47'10".
2) with the arc of the said curve 15.15 feet said curve having a long chord which bears N 16°44'14" W 13.74 feet to a PK nail set in pavement for the end of said curve.

THENCE N 60°18'40" W 178.17 feet to the POINT OF BEGINNING containing 0.896 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes accurately represent the results of an on-the-ground survey made under my supervision during July of 2006 and are correct to the best of my knowledge and belief. These field notes are to be used only for the transfer of title to Cobalt Partners. Any use by these or any other parties for any other purpose or transaction is expressly prohibited.



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Claude F. Hinkle, Jr.
R.P.L.S. No. 4629

AUG 01 2006

Date 1500-Calbow.doc

Exhibit "A"

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.